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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,570	12/23/2004	Keith Edwin Curtis	3128/FBR	3433
23446 7590 10/29/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER JANAKIRAMAN, NITHYA				
ART UNIT		PAPER NUMBER		
2123				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/720,570

Applicant(s)

CURTIS ET AL.

Examiner

NITHYA JANAKIRAMAN

Art Unit

2123

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-40 is/are pending in the application.
- 4a) Of the above claim(s) 15-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/25/08 has been entered. Claims 10-39 are presented for examination.

Election/Restrictions

1. Newly submitted claims 15-39 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: original claims 10-14 are directed towards an electronic casino gaming method and system, including the emulation of erasable programmable read-only memory. These claims belong in class 703, subclass 23. Newly added claims 15-39 are directed towards a method and system for facilitating data verification, which belongs in class 713, subclass 161.
2. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 15-39 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments- 35 U.S.C §103

3. Applicant's arguments filed 7/25/08 have been fully considered but they are not persuasive.
4. Applicant argues on page 8 that Johnson is silent as to verifying data, and that neither Alcorn nor Johnson teaches presenting information to a person for viewing. Alcorn's entire invention relates to a game authentication program and states in column 8, line 40-41, "a procedure must be provided to verify the ROM 29 contents". Alcorn also teaches the video subsystem 22, which is capable of displaying a selected game on a monitor (column 6, lines 54-63). Rejection maintained.

Claim Objections

5. Claim 10 is objected to because of the following informalities: line 10 states both "E-PROM" and "EPROM". Consistency is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,643,086, Alcorn et al. (hereinafter Alcorn) in view of US Patent 5,003,507, Johnson, (hereinafter Johnson).

8. Alcorn discloses an electronic casino gaming system for storing a casino game authentication program (see Abstract). However, Alcorn does not disclose the emulation of erasable programmable read-only memory (EPROM).

9. The Johnson invention relates to EPROM emulators (see column 1, lines 8-29).

10. Alcorn and Johnson are analogous art because they are both related to read-only memory (ROM).

11. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made combine the casino game authentication program with the EPROM emulator of Johnson because “this allows the EPROM to be much more versatile” and “there is need to eliminate this time consuming reprogramming during the development stages of this type of hardware” (see Johnson, column 1, lines 15-20). Combining Alcorn and Johnson would create an emulated EPROM interface that “allows the programmers to concentrate on the programming without the worry of having to face a long reburning process for a new test. This in turn leads to a better product since it can be more thoroughly tested before the final EPROM is programmed

and any bugs or faults which are found can be eliminated by further testing” (see Johnson, column 1, lines 22-29).

12. Regarding claim 10, Alcorn and Johnson teach:

In an electronic gaming machine having (1) game software (*Alcorn: column 2, line 14*) stored in a non-EPROM storage media in the form of V-PROMs (*Alcorn: column 6, lines 31-35; the “game specific data set” serves as the file folders and directories containing software and data for the V-PROM as defined by Applicant’s Specification*), and (2) an EPROM emulator (*Johnson: column 1, lines 8-29, “eprom emulator”*), a method for verifying the stored game software using an external EPROM reader (*Alcorn: column 2, lines 14-41, the “authentication program”*), comprising:

providing to the user for viewing a game software selection screen, including providing the user with browsing access to a plurality of V-PROMs resident on the storage media of the gaming machine (*Alcorn: column 6, lines 58-63; video subsystem 22 provides display capability of the various games within the ‘game specific data set’- the V-PROM*);

selecting by the user a V-PROM and presenting an image of the selected V-PROM to an EPROM emulator (*Alcorn: column 9, lines 41-44; “a player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure”*; in this manner, the subset is the selected casino game of the player to be executed and authenticated);

connecting an external EPROM reader to the EPROM emulator (*Alcorn: column 6, lines 67*);
and

verifying the image of the selected E-PROM by the external EPROM reader (*Alcorn: column 2, lines 14-41, the “authentication program”*).

13. Regarding claim 11, Alcorn and Johnson teach:

A method according to claim 10 and further including:

generating a presentation screen to a user showing a user log (*Alcorn: column 8, lines 55-57, “message digest”*; reporting on the game data set includes reporting on the user operating the game data set); and

registering the user prior to said step of providing the user a selection screen (*Alcorn: column 9, lines 51-54; the presence of authorized users necessarily involves a registering to make the users authorized*).

14. Regarding claim 12, Alcorn and Johnson teach:

A method for verifying software (*Alcorn: column 2, lines 14-41, the "authentication program"*) of a gaming machine (*Alcorn: column 2, line 14*) contained in a plurality of memory types other than EPROMs (*Johnson: column 1, lines 8-29, "eprom emulator"*) using an EPROM reading and verification device (*Alcorn: column 2, lines 14-41, the "authentication program"*), the method comprising:

abstracting the software of the memory type into a plurality virtual EPROM (V-EPROM) sets (*Alcorn: column 6, lines 31-35; the "game specific data set" serves as the file folders and directories containing software and data for the V-PROM as defined by Applicant's Specification*);

listing the V-EPROM sets in a registry library (*Alcorn: column 6, lines 31-35; the "game specific data set" serves as the file folders and directories containing software and data for the V-PROM as defined by Applicant's Specification*);

displaying the registry to a user for selection of a set (*Alcorn: column 9, lines 41-44; "a player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure"; in this manner, the subset is the selected casino game of the player to be executed and authenticated*);

the user selecting at least one set (*Alcorn: column 9, lines 41-44; "a player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure"; in this manner, the subset is the selected casino game of the player to be executed and authenticated*);

providing the selected set to the EPROM verification device for verifying the selected set (*Alcorn: column 2, lines 14-41, the "authentication program"*).

15. Regarding claim 13, Alcorn and Johnson teach:

A method for verifying software (*Alcorn: column 2, lines 14-41, the "authentication program"*) for a gaming machine (*Alcorn: column 2, line 14*) resident on memory devices other than EPROMs using EPROM verification comprising (*Johnson: column 1, lines 8-29, "eprom emulator"*):

abstracting the software of the memory type into a plurality virtual EPROM (V-EPROM) data sets (*Alcorn: column 6, lines 31-35; the "game specific data set" serves as the file folders and directories containing software and data for the V-PROM as defined by Applicant's Specification*);

listing the V-EPROM data sets in a registry library (*Alcorn: column 6, lines 31-35; the "game specific data set" serves as the file folders and directories containing software and data for the V-PROM as defined by Applicant's Specification*);

displaying the registry to a user for selection of a set (*Alcorn: column 9, lines 41-44; "a player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure"; in this manner, the subset is the selected casino game of the player to be executed and authenticated*);

the user selecting at least one set (*Alcorn: column 9, lines 41-44; "a player selects a casino game for game play in the system, the authenticity of that game actually stored in the mass storage unit is automatically checked using the authentication procedure"; in this manner, the subset is the selected casino game of the player to be executed and authenticated*);

using EPROM verification verifying the selected set (*Alcorn: column 2, lines 14-41, the "authentication program"*).

16. Regarding claim 14, Alcorn and Johnson teach:

The method of claim 13 comprising restricting user access to one of the display of the library or selection of a set to an authorized user (*Alcorn: column 9, lines 51-54; the presence of authorized users necessarily involves a registering to make the users authorized*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NITHYA JANAKIRAMAN whose telephone number is (571)270-1003. The examiner can normally be reached on Monday-Thursday, 8:00am-5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on (571)272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nithya Janakiraman/
Examiner, Art Unit 2123

/Paul L Rodriguez/
Supervisory Patent Examiner,
Art Unit 2123